

MINUTES
WARRICK COUNTY AREA BOARD OF ZONING APPEALS

Regular meeting held in the Commissioners Meeting Room,
Third Floor, Historic Courthouse,
Boonville, Indiana

March 24, 2015 at 6:00 P.M.

PLEDGE OF ALLEGIANCE – A moment of silence was held followed by the Pledge of Allegiance.

MEMBERS PRESENT: Doris Horn, Mike Moesner, Jeff Valiant, Mike Winge, Jeff Willis, and Terry Dayvolt.

Also present were Morrie Doll, Attorney, and Sheila Lacer, Assistant Director.

MEMBERS ABSENT: Tina Baxter

Roll call was taken and a quorum declared present.

MINUTES: Upon a motion made by Mike Winge and seconded by Doris Horn, the Minutes of the last regular session held February 23, 2015 were approved as circulated.

SPECIAL USE:

BZA-SU-15-06

APPLICANT/OWNER: Miles Property Development LLC, By Tambi Miles, Manager

PREMISES: Property located on the S side of New Harmony Rd. approximately 950' E of the intersection formed by New Harmony Rd. (N 400) and Zoar Church Rd. (W 1050) Campbell twp.

NATURE OF CASE: Applicant requests a Special Use, SU 1, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow a 12.01 acre commercial recreation area including but not limited to primitive camping, shower house, concessions, and event rentals in an "A" Agricultural zoning district. *Advertised in the Standard March 12, 2015.*

Keith and Tambi Miles were present.

The Chairman called for a staff report.

Mrs. Lacer said we have all return receipts from certified mail. She said as stated the applicant requests a Special Use, SU 1, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow a 12.01 acre commercial recreation area including but not limited to primitive camping, shower house, concessions, and event rentals in an "A" Agricultural zoning district. She added that the buildings are existing on the property from previous owner who had a campground on this property. She said the buildings were all constructed prior to this ordinance and recreational areas now require a Special Use. She said the property has no flood plain. She said there is an existing entrance off New Harmony Road and the County Engineer didn't feel any upgrades would be required at their site review. She added that they have a temporary septic permit from the Health Department. She said they will need to obtain an approved State septic permit or hook up to a sewer within the time frame of the temporary permit. She said per the Agriculture zoning they will be allowed to have a 25 square foot sign and if they desire any larger sign they will need to rezone the property. Mrs. Lacer said that Mr. Franze came in the office today and told us you are working on a state permit. She said that she believes she has until July of this year and that any approval shall be subject to the Health Department rules and regulations. She said the application is in order.

The Chairman asked if Tambi Miles had anything to add to the staff report.

Tambi Miles said that they are just trying to get a concession started, do some primitive camping, event rentals for the bicycle club, rent out for birthdays, and things like that. She said there will not be RV hook ups. She said this is why they would open up the shower house.

The Chairman asked if they want to expand to RV camping in the future.

Tambi Miles said they would like to. She added that they need to get the septic in place, and maybe purchasing more property out there. She said there is a bigger section for the RV rentals that they did not purchase but it all at one point was connecting to the tanks on the site. She said this is an option for them or they could use what they have now.

Mike Winge asked what will be going on with the concession stand.

She said they will just be having snacks, soft drinks, chips, ice-cream, and bait. She said they will have a ice machine and all items will be pre-packaged items.

Mike Winge asked if there is running water at the facility.

Tambi Miles said they do.

Mike Moesner asked if it was in existence last year as a camp site.

Keith Miles said it's been about eight years.

Tambi Miles added that it was only open a couple years before it was shut down and that was back in 2007/2008.

Mike Moesner asked if there was a lot that needed to be done to get it up and running again.

Keith Miles said that last year when they got their septic permit they did a lot of landscaping, mowing, they fixed broken pipes in shower house. He said they have had electricians, plumbers, and had it all done professionally. He said everything is up to code, with security cameras.

Mike Moesner asked if this will be a year round or seasonal operation.

Tambi Miles said seasonal but they will try to keep the concession open longer.

Keith Miles said they both currently work full time and they are planning ahead for their retirement and this is their plan.

The Chairman asked for any other questions from the Board. Being none he asked for any remonstrators for or against this project. Being none he called for a motion.

Mike Winge made a motion finding of fact be made as follows from the testimony and proposed use statement:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
4. The USE as developed will not adversely affect the surrounding area.
5. Adequate and appropriate facilities will be provided for proper operation of the USE.
6. The specific site is appropriate for the Recreational USE.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to the property being in compliance at all times with the applicable zoning Ordinances of Warrick County.
2. Subject to all public utility easements and facilities in place.
3. Subject to the Rules and Regulations of the Health Department
4. Subject to any required Improvement Location Permit
5. Subject to any required Building Permit.

The motion was seconded by Doris Horn and unanimously continued.

BZA-V-13-12

APPLICANT: Rhonda Riecken

OWNER: Frank & Mary Ann Riecken

PREMISES: Property located on the E side of St. Johns Rd approximately 920 ft N of the intersection formed by St. Johns Rd and Halwes Rd. Greer Twp. *7166 St. Johns Rd.* (Complete legal on file)

NATURE OF CASE: Applicant requests a Variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for a one family dwelling to be constructed on a property with an existing one family dwelling to be removed in an "A" Agriculture Zoning District. (*Advertised in The Standard July 11, 2013.*)

Existing residence to be removed within 6 months of issuance the Certificate of Occupancy. The Certificate of Occupancy was issued 6/19/2014. Ms. Riecken called office on 12/19/2014 and was granted 60 days and if not removed it would come before the Board at this meeting.

Mrs. Lacer added that on July 22, 2013, this Board approved the Variance to allow them to construct a new residence on property with an existing residence. She said one of the conditions of that approval was the existing residence was to be removed within 6 months of issuance the Certificate of Occupancy. She said the Certificate of Occupancy was issued 6/19/2014. Ms. Riecken called office on 12/19/2014 and was granted 60 days and if not removed it would come before the Board at this meeting. Mrs. Lacer said the building has not been removed and Ms. Riecken is here to explain. She said Mrs. Rhonda Riecken is not here but her mother Mary Ann Riecken is here.

Mary Ann Riecken said her son Gary is here also.

Mrs. Lacer said that Rhonda Riecken sent in a letter explaining why the house is still existing. She read it and a copy is on file.

Terry Dayvolt asked if two months was long enough.

Mrs. Riecken said yes.

Terry Dayvolt asked what else they had going on besides this.

Gary Riecken said he had about 3 houses they are working on currently, and they are working on this project on the weekends.

Terry Winge said this is a private job and the other houses you mentioned are your job.

Gary said that is correct.

The Chairman said the demolition has started; you're just not finished, correct?

Doris Horne asked how long they have worked on this so far, because this is the first time she has seen them.

Mrs. Lacer answered that they have not. She said July 2013 they were granted the Variance and in 2013 they built the new home. She added that one of the conditions was that after the Certificate of Occupancy was issued, they had to have it removed within 6 months. She said this is the first time they have been in since their approval.

Mike Moesner asked how they were tearing the structure down.

Gary Riecken replied, piece by piece.

Mrs. Riecken said they have the siding off so far.

Gary Riecken said they have not had a lot of time to work on it.

Doris Horn asked when they started this process.

Mrs. Lacer said it has been nine months.

Gary Riecken said that his father is older and wants to keep everything so that has slowed the process down as well.

Doris Horn asked how long he thinks they need in addition.

Gary Riecken said two months should be plenty of time. He said they should have it done by the end of May.

Doris Horn said she understand this.

The Chairman asked what the Boards wishes were.

Mike Winge said he would like to make a motion of three months so they can for sure have it done.

The motion was seconded by Terry Dayvolt and unanimously carried.

Mrs. Lacer said this will be at the June 22nd meeting and that if they have it down they will not have to be here.

ATTORNEY BUSINESS: None

EXECUTIVE DIRECTOR BUSINESS: None.

The Chairman made a motion to end the meeting.

Terry Dayvolt made a motion to dismiss. The motion was seconded by Doris Horne and unanimously carried.

Being no other business the meeting adjourned at 6:15 p.m.

Jeff Valiant, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of the said Board at their monthly meeting held March 23, 2015.

Sheila Lacer, Assistant Director